

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS

In re:)	Case No. 20-54684
)	
JOSHUA LEE LUCAS,)	Chapter 7
)	
Debtor.)	Judge Preston
_____)	

**MOTION OF UNITED STATES TRUSTEE FOR ORDER DIRECTING
DEBTOR TO APPEAR FOR FED. R. BANKR. P. 2004 EXAMINATION AND
PRODUCE DOCUMENTS**

Andrew R. Vara, United States Trustee for Ohio/Michigan, Region 9, pursuant to FED.R.BANKR.P. 2004(a), requests this Court to enter an order directing Debtor to appear before a representative of the United States Trustee, whose office is located at 170 N. High Street, Suite 200, Columbus, OH 43215, on Tuesday, May 11, 2021, at 10:00 a.m. to be examined under oath about Debtor's assets, debts, and financial affairs, and for the reasons set forth in the attached Memorandum.

WHEREFORE, the United States Trustee requests an Order directing Debtor to appear for a FED.R.BANKR.P. 2004 Examination on May 11, 2021, before a representative of the United States Trustee, 170 N. High Street, Suite 200, Columbus, OH 43215.

Pursuant to General Order #12-4, Notice pursuant to LBR 9013-1(a) is not required.

Dated: April 14, 2021

Andrew R. Vara
United States Trustee
Region 3 and 9

/s/ Pamela Arndt
Pamela Arndt (0068230)
U.S. Department of Justice, U.S. Trustee Program
170 North High Street, Suite 200
Columbus, OH 43215
Telephone: (614) 469-7411 ext. 228
Facsimile: (614) 469-7448
Email: Pamela.D.Arndt@usdoj.gov

MEMORANDUM OF LAW

FED.R.BANKR.P. 2004 provides in relevant part that “on motion of a party in interest, the court may order the examination of any entity ”relating to the “acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor’s estate, or to the debtor’s right to a discharge.”

An examination of Debtor is necessary in this case to investigate Debtor’s assets, debts, and financial affairs. The U.S. Trustee filed a Motion to Extend Time per FED.R.BANKR.P. 4004 (Docket No. 41), which was granted (Docket No. 45). A representative of the U.S. Trustee requested documentation via Debtor’s counsel on March 21-22, 2021, and those documents have not been provided yet. Therefore, an examination is necessary, along with an order to produce the requested documents, so that the U.S. Trustee can complete his investigation and ascertain whether seeking an objection to Debtor’s discharge is appropriate. The requested documents are:

1. Detailed monthly income statements for Project Marketing showing the gross receipts, ordinary and necessary business expenses, and the total monthly net income for the twelve month period of October 1, 2019, through September 30, 2020.
2. Complete business copies of 2017, 2018 and 2019 Federal & Ohio tax returns for Project Marketing, including any and all attached schedules, W-2s, and/or 1099s.
3. Any and all documentation submitted to obtain any Paycheck Protection Program Loans (“PPP Loans”) for yourself and any business entity that you own including, but not limited to, Project Marketing.
4. Any and all documentation, including but not limited to, bank statements demonstrating receipt/deposit of PPP Loans proceeds.
5. Any and all documentation, including but not limited to, bank statements demonstrating disbursement/expenditures from the PPP Loans proceeds.

In order to ensure a meaningful Examination, the U.S. Trustee requests these documents be produced one week prior to the Examination, on May 4, 2021, to allow adequate time to review and prepare.

Due to the pandemic, this Examination will be conducted virtually via Microsoft Teams.

WHEREFORE, the United States Trustee prays that pursuant to FED.R.BANKR.P. 2004, Debtor be Ordered to appear and submit to examination under oath at the time and place stated herein, to produce requested documentation, and for such other relief as is just and proper.

Dated: April 14, 2021

ANDREW R. VARA
UNITED STATES TRUSTEE FOR REGIONS 3 AND 9

/s/ Pamela Arndt

Pamela Arndt (0068230)

U.S. Department of Justice, U.S. Trustee Program

170 North High Street, Suite 200

Columbus, OH 43215

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CERTIFICATE OF SERVICE

I hereby certify that on or about April 14, 2021, a copy of the foregoing MOTION OF UNITED STATES TRUSTEE FOR ORDER DIRECTING DEBTOR TO APPEAR FOR FED. R. BANKR. P. 2004 EXAMINATION AND PRODUCE DOCUMENTS was served (i) electronically on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) on the following by ordinary U.S. Mail addressed to:

Joshua Lee Lucas
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Cadiz, OH 43907

Mark Graziani
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PO Box 1158
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Bayer Heritage Federal Credit Union
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/s/ Pamela Arndt
Pamela Arndt